

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	ACTION NO. 4:20-CR-269-Y
	§	
ERIC PRESCOTT KAY (1)	§	

ORDER GRANTING SECOND MOTION TO CONTINUE

Pending before the Court is Defendant's Second Opposed Motion to Continue Trial and Extend Pretrial Deadlines (doc. 74). The government filed a response in opposition to the motion. Nevertheless, after review of these documents and the record in this case, specifically, the fact that the government superseded the indictment six days prior to trial adding an additional drug that is allegedly part of the conspiracy charged, the Court concludes, under 18 U.S.C. § 3161(h)(7)(B)(iv), that a failure to grant the requested continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. As a result, the Court further concludes, under 18 U.S.C. § 3161(h)(7)(A), that the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial.

Therefore, Defendant's Second Opposed Motion for Continuance is GRANTED. The trial of this cause is CONTINUED until **10:00 a.m.** on **Monday, January 24, 2022**. The pretrial conference is CONTINUED until **3:00 p.m.** on **Thursday, January 20, 2022**.

It is further ORDERED that the scheduling order previously issued

in this cause is hereby MODIFIED as follows:

- (1) the deadline for filing witness and exhibit lists is EXTENDED until **January 18**; and
- (2) the deadline for exchanging exhibit notebooks is EXTENDED until **January 20**.

SIGNED November 3, 2021.

A handwritten signature in dark ink, appearing to read "Terry R. Means", is written over a horizontal line.

TERRY R. MEANS
UNITED STATES DISTRICT JUDGE